

REMARKS

Claims 23 and 24 are pending in the above application.

The Office Action dated February 23, 2006, has been received and carefully reviewed. In that Office Action, claims 23 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Purcell. It is not believed that the invention defined by claims 23 and 24 is shown or suggested by the art of record, and reconsideration and allowance of claims 23 and 24 is respectfully requested in view of the above amendments and the following remarks.

Claim 23 stands rejected as being unpatentable over Wu in view of Purcell. It is respectfully submitted that a proper motivation for combining Wu and Purcell has not been provided and that therefore a *prima facie* case of obviousness has not been presented. In addition, claims 23 and 24 have been amended to further distinguish over the references of record. Each of these issues is addressed below, and reconsideration and allowance of claims 23 and 24 is respectfully requested.

THE REFERENCES DO NOT SUGGEST THE CLAIMED INVENTION

Claim 23 has been requires an image data coding apparatus that includes, *inter alia*, a motion compensation section composed of plural motion compensation tools. Claim 23 has been amended to require that the image data coding apparatus transmit information for selecting a tool for decoding a coded image data from a first tool for sampling per half pixel and per integer pixel and a second tool for sampling per quarter pixel, per half pixel and per integer pixel. Wu does not show a first tool for sampling per half pixel and a second tool for sampling per quarter pixel. Purcell discusses the use of a pixel filter 316 that is capable of filtering per half pixel or per quarter pixel, but Purcell does not show first and second tools as required by claim 23; Purcell shows only one element 316. Therefore, even if a motivation for combining Wu and Purcell were provided, the combination would not suggest a coding apparatus transmitting information for selecting a first tool or a second tool as claimed.

Moreover, claim 23 requires that the first tool sample per half pixel and per integer pixel and that the second tool sample per quarter pixel, per half pixel and per integer pixel. Even if pixel filter 316 of Purcell is considered to be relevant, this filter 316 does not satisfy the

limitations of amended claim 23. Therefore, even if a motivation for combining Wu and Purcell were provided, the result would not be the invention required by claim 23. Reconsideration and allowance of claim 23 is therefore respectfully requested. Claim 24 has been amended to require an image data decoding apparatus that receives information for selecting a tool for decoding image data from a first tool for sampling per half pixel and per integer pixel and a second tool for sampling per quarter pixel, per half pixel and per integer pixel. For the reasons provided above in connection with claim 23, it is respectfully submitted that the references of record, even if combined, would not suggest the invention required by claim 24. Claim 24 is therefore submitted to be allowable over the references of record for at least the same reasons as claim 23.

A MOTIVATION FOR COMBINING WU AND PURCELL HAS NOT BEEN PROVIDED

As argued above, even if Wu and Purcell are combined, the result will not be the invention required by claims 23 and 24. However, in the event that the rejection of claims 23 and 24 is not withdrawn based on the above amendments and remarks, Applicant submits that a proper motivation for combining Wu and Purcell has not been provided and that therefore a *prima facie* case of obviousness has not been presented and that claims 23 and 24 are allowable over the art of record.

The reason provided for combining Wu and Purcell is stated to be that this combination "is necessary for decoding the encoded video and outputting the decoded video to the display." The meaning of this statement is not clear. Wu appears to disclose a functional system, therefore it does not appear necessary to modify Wu in any manner. If the examiner is asserting that the system disclosed in Wu is inoperative, it is respectfully requested that a statement to this effect be placed in the record. Conversely, assuming Wu is operative, it is not necessary to add anything to Wu in order to decode and output a video display. The rejection appears to be based on the assumption that it would be possible to modify Wu based on Purcell. Even if this were shown to be true, MPEP 2143.01 provides that the fact that references can be modified does not constitute a motivation for making the modification. It is respectfully submitted that a motivation for modifying Wu in view of Purcell has not been provided and that therefore a *prima*

facie case of obviousness has not been presented. For at least this reason, claim 23 is submitted to be allowable over the art of record.

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Purcell. The arguments above in connection with claim 23 regarding the lack of motivation for combining Wu and Purcell also apply to the rejection of claim 24, and it is submitted that claim 24 is allowable over the art of record for the same reasons as claim 23.

CONCLUSION

Each issue raised in the Office Action dated February 23, 2006, has been addressed, and it is believed that claims 23 and 24 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/729,158
Amendment dated July 24, 2006
Reply to Office Action of February 23, 2006

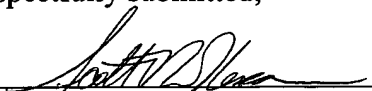
Docket No.: 1152-0293P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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